

NOTE: ALL CHANGES MADE SINCE THE FILING OF THE PROPOSED RULE ARE HIGHLIGHTED.

5-221 PROHIBITION OF POTENTIALLY POLLUTING MATERIALS IN FUEL

(1) Sulfur Limitations in Fuel

(a) No person shall cause or permit the use, purchase, or sale for use in stationary combustion installations within the State of Vermont for heat or power generation ~~of:~~

(i) ~~F~~uels containing more than 2.0% sulfur by weight, ~~except as otherwise provided below;~~

(ii) ~~No. 2 and lighter distillate oils and animal and vegetable oil fuel oils with a sulfur content greater than 0.05% by weight, beginning on January July 1, 2014 and ending on December 31, 2017 June 30, 2018;~~

(iii) ~~No. 2 and lighter distillate oils and animal and vegetable oil fuel oils with a sulfur content greater than 0.0015% by weight, beginning on January July 1, 2018;~~

(iv) ~~No. 4 residual oil with a sulfur content greater than 0.25% by weight, beginning on January July 1, 2018; and~~

(v) ~~No. 5 and No. 6 residual oils and heavier residual oils with a sulfur content greater than 0.5% by weight, beginning on January July 1, 2018.~~

(b) ~~Notwithstanding the provisions of subsection (1)(a) of this section, fuel stored in Vermont that met the applicable maximum sulfur content limit at the time the fuel was stored in Vermont may continue to be stored, used, offered for sale, sold, delivered or exchanged in trade after the effective date of the applicable limit in subsection (1)(a) of this section.~~

~~(c)~~ Subsection (1)(a) of this section shall not apply where compounds of sulfur are removed from the flue gas to the extent that the emissions of compounds of sulfur to the ambient air space are no greater than that which would be emitted under ~~S~~subsection (1)(a) hereof. ~~Emissions testing and/or continuous emissions monitoring, coupled with the filing of quarterly emission reports with the Air Pollution Control Officer,~~ shall be required to demonstrate that the sulfur compounds emitted have been adequately reduced.

(d) ~~The Secretary Governor, by executive order, may temporarily suspend the implementation and enforcement of subsection (1)(a) of this section if the Secretary Governor determines, after consulting with the Secretary and commissioner of public service, that meeting the requirements is not feasible due to an inadequate supply of the required fuel.~~

~~(e) Provision for unavailability of conforming fuels~~

~~(i) Time Limitations. The permit(s) granted under the provisions of this subsection shall be applicable for a~~

~~period not to exceed one (1) year. The Secretary shall each year, precedent to the commencing of the heating season, make a determination of the degree of availability or non-availability of fuel in conformance with Subsection (1)(a) of this section, on a statewide, regional or individual basis, and also shall, on a continual basis, call for the surveillance of ambient air quality as it pertains to levels of sulfur dioxide.~~

~~(ii) Fuels Containing Sulfur in Excess of 2.0% by Weight. Notwithstanding the provisions of Subsection (1)(a) of this section, the Secretary may, upon application and showing by a person that fuel containing 2.0% sulfur by weight or less is not available to him, permit the use, purchase, or sale of fuel containing in excess of 2.0% sulfur by weight but not to exceed 2.2% sulfur by weight for use in stationary combustion installations in the State of Vermont for heat and power generation. Application shall include an affidavit that fuel with a sulfur content of 2.0% by weight or less is not available; that efforts have been made to secure said fuel, describing such efforts; the reasons for the unavailability of said fuel; and the estimated time when fuel containing 2.0% sulfur or less can be obtained. Permission granted to a person under this subsection may contain such conditions or limitations as may, in the judgement of the Secretary, be necessary or suitable in the circumstances, providing that no violation of either National Primary or Secondary Ambient Air Quality Standards will occur. Within three days after any action by the Secretary permitting a person to use, purchase, or sell fuel containing more than 2.0% sulfur by weight, the Secretary will provide written notice of such action to the Regional Administrator of the U.S. Environmental Protection Agency.~~

(de) Contravention of National Primary or Secondary Ambient Air Quality Standards. If there is a contravention of national primary or secondary ambient air quality standards promulgated pursuant to the Federal Clean Air Act, as amended (42 U.S.C. 7401, et seq.), the Secretary may impose more stringent sulfur limitations in fuel than contained in subsection (1)(a) of this section on a regional, or individual basis and for such time periods as is necessary to assure continued compliance with the national ambient air quality standards.

(f) Recordkeeping and Reporting

(i) Any person who imports or receives for wholesale distribution residual oil in the State of Vermont shall submit to the Air Pollution Control Officer quarterly reports for each calendar quarter within 30 days after the close of each quarter itemizing the quantity, sulfur content, ash content and heat content for each shipment of such fuel. It is the responsibility of the person importing or receiving such residual oil to maintain a record of the

certified fuel analyses upon which the quarterly reports are based and provide the user a copy of the certification.

(ii) Any person who uses residual oil shall maintain records of the certified fuel analyses provided by the supplier.

(iii) Copies of all records and reports required by this regulation shall be available during normal business hours and shall be provided to the *Air Pollution Control Officer* upon request.